

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-149-A

FRANK R. PARLATO, JR. and
CHITRA SELVARAJ,

Defendants.

NOTICE OF MOTION AND MOTION

THE UNITED STATES OF AMERICA, by and through its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Charles M. Kruly, Assistant United States Attorney, hereby moves for a two-day extension of time for the government to reply to defendant Parlato's supplemental response. *See* Dkt. 194. The basis for this request is set forth in the attached declaration.

DATED Buffalo, New York, July 7, 2022.

TRINI E. ROSS
United States Attorney

BY: */s/ CHARLES M. KRULY*
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DECLARATION

CHARLES M. KRULY, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to prosecute this case. This declaration is submitted in support of the government's motion for a two-day extension of time for the government to reply to defendant Parlato's supplemental response to the government's motion *in limine* seeking a ruling that certain evidence is inadmissible hearsay. *See* Dkt. 194.

2. The government filed a motion *in limine* to exclude certain statements as hearsay. *See* Dkt. 194. Following a September 7, 2021, proceeding, the Court issued a text order (Dkt. 245) directing defendant Parlato to file "a copy of the . . . statements [he] seeks to admit at trial." The Court also allowed Parlato to "supplement his previously filed response to the Government's motion to address those specific statements." *Id.* Finally, the Court allowed the government to supplement its reply by October 15, 2021. *Id.* The Court later granted a general adjournment of the government's reply deadline to allow the parties to

engage in plea negotiations.

3. At a status conference on June 28, 2022, the Court directed the government to respond to defendant Parlato's supplemental response by July 12, 2022.

4. The government now seeks a two-day extension of time, through and including July 14, 2022, to file its supplemental reply. The undersigned is drafting the government's supplemental reply but is prosecuting this case together with AUSA Michael DiGiacomo. AUSA DiGiacomo is unavailable until July 11, 2022. To provide the undersigned and AUSA DiGiacomo sufficient time to discuss the contents of the government's reply, the government seeks a brief extension of time to file its reply.

5. Before filing this motion, I spoke with Herbert Greenman, Esq., counsel for defendant Parlato. Mr. Greenman has no objection to this motion. At the June 28, 2022, status conference, counsel for co-defendant Chitra Selvaraj noted that she did not intend to join in litigation concerning the government's motion to exclude hearsay.

Respectfully submitted,

TRINI E. ROSS
United States Attorney

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